

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH OQUENDO,

Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, former Commissioner RAYMOND W.
KELLY, former Commissioner WILLIAM J. BRATTON,
commissioner JAMES P. O'NEILL, legal Bureau Director
JONATHAN DAVID, Former Investigator THOMAS
SCOLLAN, and "JOHN DOES #1-3" and JANE DOES #
1-3," said names being fictitious, but intended to designate
certain unknown employees of the City of New York
Police Department,

Defendants.

**DECLARATION OF AIMEE
K. LULICH IN FURTHER
SUPPORT OF THOMAS
SCOLLAN'S MOTION TO
DISMISS THE COMPLAINT**

19-CV-6352 (BMC)

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AIMEE K. LULICH, declares pursuant to 28 U.S.C. § 1746, under penalty of
perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of James E. Johnson,
Corporation Counsel of the City of New York, attorney for defendants City of New York
("City"), New York City Police Department ("NYPD"), former NYPD Commissioners Raymond
Kelly, William Bratton, and James O'Neill, former Deputy Inspector Thomas Scollan, and
NYPD License Division Director Jonathan David. As such, I am familiar with the facts stated
below and submit this declaration to place on the record the relevant documents in further
support of defendants motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Attached as Exhibit "C" is the Memorandum of Law in Support of
Respondents' Cross-Motion to Dismiss the Petition, which sets forth the City's arguments in the
Article 78 Proceeding entitled Oquendo v. City of New York, et. al., filed in New York County
Supreme Court Index No. 100529 on December 12, 2014. Plaintiff refers to the City's

arguments in the Article 78 proceeding in the Complaint and the Opposition to the Motion to Dismiss.

3. Attached as Exhibit “D” is the Transcript of oral arguments in Oquendo v. City of New York, et. al., Index No. 100529, before the Honorable Lucy Billings, New York County Supreme Court, on October 22, 2015. Plaintiff refers to the City’s arguments and Judge Billings’ decision in the Article 78 proceeding in the Complaint, and filed this transcript on the court docket for the instant case as a “sur-reply” to defendants City, NYPD, Kelly Bratton, O’Neill, and David’s motion to dismiss the complaint.

Dated: New York, New York
February 14, 2020

Aimee K. Lulich
Senior Counsel

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JAMES E. JOHNSON

*Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Raymond
Kelly, William Bratton, James O'Neill, Thomas
Scollan, and Jonathan David
100 Church Street Room 5-318
New York, N.Y. 10007*

*Of Counsel: Aimee Lulich
Tel: (212) 356-2369
Matter No.: 2019-060084*

Due and timely service is hereby admitted.

New York, N.Y., 2019.....

....., Esq.

Attorney for